

STOP SEXUAL ASSAULT AND HARASSMENT IN
TRANSPORTATION ACT

JULY 29, 2020.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5139]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 5139) to protect transportation per-
sonnel and passengers from sexual assault and harassment, and
for other purposes, having considered the same, reports favorably
thereon with an amendment and recommends that the bill as
amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Sexual Assault and Harassment in Transportation Act”.

SEC. 2. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON AIR CARRIERS AND FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§ 41727. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

“(A) appropriate public outreach activities; and

“(B) confidential phone and internet-based opportunities for reporting;

“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

“(c) PASSENGER INFORMATION.—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that—

“(1) advises passengers and personnel that the carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

“(2) informs passengers and personnel of the other major components of the carrier’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) PERSONNEL.—The term ‘personnel’ means an employee or contractor of an air carrier or foreign air carrier.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(3) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

“(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“41727. Formal sexual assault and harassment policies.”.

SEC. 3. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR CERTAIN MOTOR CARRIERS.

(a) **REQUIREMENT.**—Not later than 180 days after the date of enactment of this Act, each covered motor carrier shall issue, in consultation with labor unions representing personnel of the covered motor carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) **CONTENTS.**—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit, to the extent practicable, future travel with the covered motor carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) **PASSENGER INFORMATION.**—A covered motor carrier shall prominently display, on the internet website of the covered motor carrier and through the use of appropriate signage, a written statement that—

(1) advises passengers that the covered motor carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the covered motor carrier's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers of the procedure for reporting a transportation sexual assault or harassment incident.

(d) **STANDARD OF CARE.**—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered motor carrier has acted with any requisite standard of care.

(e) **DEFINITIONS.**—In this section:

(1) **PERSONNEL.**—The term “personnel” means an employee or contractor of a covered motor carrier.

(2) **COVERED MOTOR CARRIER.**—The term “covered motor carrier” means a motor carrier of passengers that—

(A) conducts regularly scheduled intercity service; and

(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

(3) **SEXUAL ASSAULT.**—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(4) **TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.**—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of covered motor carrier against another passenger or member of personnel of the covered motor carrier; and

(ii) within a vehicle of the motor carrier or in an area in which passengers are entering or exiting such a vehicle.

SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON PASSENGER COMMUTER AND INTERCITY RAIL.

(a) **IN GENERAL.**—Chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“§ 24104. Formal sexual assault and harassment policies

“(a) **REQUIREMENT.**—Not later than 180 days after the date of enactment of this section, each covered rail entity shall issue, in consultation with labor unions rep-

representing personnel with respect to the covered rail entity, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

“(A) appropriate public outreach activities; and

“(B) confidential phone and internet-based opportunities for reporting;

“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the covered rail entity by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims.

“(c) PASSENGER INFORMATION.—A covered rail entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

“(1) advises passengers and personnel that the covered rail entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

“(2) informs passengers and personnel of the other major components of the covered rail entity’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered rail entity has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) COVERED RAIL ENTITY.—The term ‘covered rail entity’ means an entity providing commuter rail passenger transportation or intercity rail passenger transportation.

“(2) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a covered rail entity.

“(3) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(4) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of covered rail entity against another passenger or member of personnel of the covered rail entity; and

“(ii) within a vehicle of the covered rail entity or in an area in which passengers are entering or exiting such a vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“24104. Formal sexual assault and harassment policies.”.

SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON TRANSIT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“§ 5341. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each recipient of Federal funds under this chapter operating vehicles shall issue, in consultation with labor unions representing personnel with respect to the recipient, a formal policy with respect to transportation sexual assault or harassment incidents.

- “(b) CONTENTS.—The policy required under subsection (a) shall include—
- “(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;
 - “(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—
 - “(A) appropriate public outreach activities; and
 - “(B) confidential phone and internet-based opportunities for reporting;
 - “(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;
 - “(4) procedures that may limit, to the extent practicable, future travel with the recipient entity by any passenger who causes a transportation sexual assault or harassment incident; and
 - “(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—
 - “(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and
 - “(B) recognizing and responding to potential human trafficking victims.
- “(c) PASSENGER INFORMATION.—A recipient entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—
- “(1) advises passengers and personnel that the recipient entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;
 - “(2) informs passengers and personnel of the other major components of the recipient entity’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and
 - “(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.
- “(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the recipient entity has acted with any requisite standard of care.
- “(e) DEFINITIONS.—In this section:
- “(1) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a recipient of Federal funds under this chapter.
 - “(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
 - “(3) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—
 - “(A) constitutes sexual assault or sexual harassment; and
 - “(B) is committed—
 - “(i) by a passenger or member of personnel of recipient entity against another passenger or member of personnel of the recipient entity; and
 - “(ii) within a vehicle of the recipient entity or in an area in which passengers are entering or exiting such a vehicle.”.
- (b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:
- “5341. Formal sexual assault and harassment policies.”.
- SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR PASSENGER VESSELS.**
- (a) IN GENERAL.—Section 3507(d) of title 46, United States Code, is amended—
- (1) in paragraph (4), by striking “and” after the semicolon at the end;
 - (2) in paragraph (5), by striking the period at the end and inserting a semicolon; and
 - (3) by adding at the end the following:
 - “(6)(A) issue a formal policy with respect to sexual assault or harassment incidents that includes—
 - “(i) a statement indicating that no sexual assault or harassment incident is acceptable under any circumstance;
 - “(ii) procedures that facilitate the reporting of a sexual assault or harassment incident, including—
 - “(I) appropriate public outreach activities; and
 - “(II) confidential phone and internet-based opportunities for reporting;

“(iii) procedures that personnel should follow upon the reporting of a sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and how to provide the information and access required under paragraph (5);

“(iv) procedures that may limit or prohibit, to the extent practicable, future travel on the vessel by any passenger who causes a transportation sexual assault or harassment incident; and

“(v) training that is required for all appropriate personnel with respect to the policy required under this paragraph, including—

“(I) specific training for personnel who may receive reports of sexual assault or harassment incidents; and

“(II) recognizing and responding to potential human trafficking victims; and

“(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—

“(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

“(ii) informs passengers and personnel of the other major components of the vessel owner’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(iii) informs passengers and crew members of the procedure for reporting a sexual assault or harassment incident; and

“(7) have a formal policy in effect with respect to sexual assault or harassment incidents.”.

(b) REPORTING REQUIREMENT.—Section 3507(g)(3)(A)(i) of title 46, United States Code, is amended by inserting “any sexual assault or harassment incident (as that term is defined in subsection (l) of this section) that constitutes a violation of law,” after “title 18 applies.”.

(c) STANDARD OF CARE.—Compliance with the requirements of the amendments made by this section, and any policy issued thereunder, shall not determine whether the applicable owner of a vessel covered by such amendments has acted with any requisite standard of care.

(d) DEFINITIONS.—Section 3507(l) of title 46, United States Code, is amended to read as follows:

“(l) DEFINITIONS.—

“(1) OWNER.—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(3) SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger of a vessel to which this section applies or a member of the crew of such a vessel against another passenger of such vessel or a member of the crew of such a vessel; and

“(ii) within—

“(I) such a vessel; or

“(II) an area in which passengers are entering or exiting such a vessel.”.

(e) MAINTENANCE AND PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46, United States Code, is amended—

(1) by striking “The owner” and inserting the following:

“(A) IN GENERAL.—The owner”;

(2) by striking “, as determined by the Secretary”; and

(3) by adding at the end, the following:

“(B) PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—With regard to the placement of video surveillance equipment on a vessel under subparagraph (A), the owner shall—

“(i) place video surveillance equipment in each passenger common area where a person has no reasonable expectation of privacy;

“(ii) place video surveillance equipment in other areas where a person has no reasonable expectation of privacy; and

“(iii) place video surveillance equipment in each area identified under clause (i) or (ii) in a manner that provides optimum surveillance of that area.”.

(f) NOTICE OF VIDEO SURVEILLANCE.—Section 3507(b), of title 46, United States Code, is further amended by inserting after paragraph (1) the following:

“(2) NOTICE OF VIDEO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.”.

(g) ACCESS TO VIDEO RECORDS.—Section 3507(b), of title 46, United States Code, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) in paragraph (3), as so redesignated—

(A) by striking “The owner” and inserting the following:

“(A) LAW ENFORCEMENT.—The owner”; and

(B) by adding at the end the following:

“(B) CIVIL ACTIONS.—The owner of a vessel to which this section applies shall provide to any individual or the individual’s legal representative, upon written request, a copy of all records of video surveillance—

“(i) in which the individual is a subject of the video surveillance; and

“(ii) that may provide evidence in a civil action.

“(C) LIMITED ACCESS.—The owner of a vessel to which this section applies shall ensure that access to records of video surveillance is limited to the purposes described in this paragraph.”.

(h) RETENTION REQUIREMENTS.—Section 3507(b), of title 46, United States Code, is further amended by adding at the end the following:

“(4) RETENTION REQUIREMENTS.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies shall retain all records of video surveillance for a voyage for not less than 90 days after the completion of the voyage. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all records of video surveillance from the voyage that the Federal Bureau of Investigation determines are relevant shall—

“(i) be provided to the Federal Bureau of Investigation; and

“(ii) be preserved by the vessel owner for not less than 5 years from the date of the alleged incident.

“(B) INTERIM STANDARDS.—Not later than 180 days after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

“(C) FINAL STANDARDS.—Not later than 1 year after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.

“(D) CONSIDERATIONS.—In promulgating standards under subparagraphs (B) and (C), the Commandant shall—

“(i) consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage;

“(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

“(iii) consider privacy, including standards for permissible access to and monitoring and use of the records of video surveillance; and

“(iv) consider technological advancements, including requirements to update technology.”.

(i) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the owner of a vessel to which section 3507 of title 46, United States Code, applies shall issue the formal policy with respect to sexual assault or harassment incidents required by the amendments made by this section.

SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CERTAIN TRANSPORTATION PERSONNEL.

(a) IN GENERAL.—Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

“§ 80505. Interference with certain transportation personnel

“(a) GENERAL RULE.—An individual who physically or sexually assaults or threatens to physically or sexually assault an employee engaged in the transportation of

passengers on behalf of a covered entity, or takes any action that poses an imminent threat to the safety of a vehicle of a covered entity that is transporting passengers, including rolling stock, motorcoaches, and ferries, is liable to the United States Government for a civil penalty of—

- “(1) for calendar years 2019 through 2024, not more than \$35,000;
- “(2) for calendar years 2025 through 2029, not more than \$40,000; and
- “(3) for calendar year 2030 and thereafter, not more than \$45,000.

“(b) COMPROMISE AND SETOFF.—

“(1) COMPROMISE.—The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

“(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

“(c) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that is 1 of the following:

“(1) A recipient of Federal funds under chapter 53 of this title.

“(2) A motor carrier of passengers that—

“(A) conducts regularly scheduled intercity service; and

“(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

“(3) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of this title).

“(4) The owner of a vessel for which section 3507 of title 46 applies.

“(5) A transportation network company.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 805 of title 49, United States Code, is amended by inserting after the item relating to section 80504 the following:

“80505. Interference with certain transportation personnel.”.

(c) GRADUATED FINES FOR INTERFERENCE WITH CABIN OR FLIGHT CREW.—Section 46318(a) of title 49, United States Code, is amended by striking “penalty of not more than \$35,000.” and inserting the following: “penalty of—

“(1) for calendar years 2019 through 2024, not more than \$35,000;

“(2) for calendar years 2025 through 2029, not more than \$40,000; and

“(3) for calendar year 2030 and thereafter, not more than \$45,000.”.

SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR TRANSPORTATION NETWORK COMPANIES AND FOR-HIRE VEHICLE COMPANIES.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, each transportation network company and for-hire vehicle company shall issue, in consultation with labor unions representing TNC drivers of each such transportation network company or FVC drivers of each for-hire vehicle company, if applicable, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) CONTENTS.—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities;

(B) confidential phone and internet-based opportunities for reporting; and

(C) TNC personnel or FVC personnel trained to receive reports;

(3) procedures that TNC personnel or FVC personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future use of the transportation network company platform by any passenger or TNC driver, or future use of the for-hire vehicle company service by any passenger or FVC driver, who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for such personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) PASSENGER INFORMATION.—A transportation network company or for-hire vehicle company shall prominently display, on the internet website of the company and through the use of appropriate signage, a written statement that—

(1) advises passengers that the transportation network company or for-hire vehicle company has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers, TNC drivers, TNC personnel, FVC drivers, and FVC personnel of the other major components of the transportation network company's formal policy or the for-hire vehicle company's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers of the procedure for reporting a transportation sexual assault or harassment incident.

(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the transportation network company or for-hire vehicle company has acted with any requisite standard of care.

SEC. 9. DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a program to annually collect and maintain data from each covered entity, or, as appropriate, a State or local entity that provides authorized transportation service, on—

(1) the number of transportation sexual assault or harassment incidents reported to the covered entity or State or local entity that provides authorized transportation service, including—

(A) the number of incidents committed against passengers; and

(B) the number of incidents committed against personnel or, in the case of a TNC or for-hire vehicle company, a TNC driver or a FVC driver, respectively;

(2) the number of transportation sexual assault or harassment incidents reported to law enforcement by personnel of the covered entity or State or local entity that provides authorized transportation services; and

(3) any transportation sexual assault or harassment incidents compiled and maintained under section 3507(g)(4)(A)(i) of title 46, United States Code.

(b) DATA AVAILABILITY.—Subject to subsection (c), the Secretary shall make available to the public on the primary internet website of the Department of Transportation the data collected and maintained under subsection (a).

(c) DATA PROTECTION.—Data made available under subsection (b) shall be made available in a manner that—

(1) protects the privacy and confidentiality of individuals involved in a transportation sexual assault or harassment incident;

(2) precludes the connection of the data to any individual covered entity or a State or local entity that provides authorized transportation service; and

(3) is organized by mode of transportation.

(d) PAPERWORK REDUCTION.—Subchapter I of chapter 35 of title 44, United States Code, does not apply to this Act.

SEC. 10. CRIMINAL REPORTING PROCESS.

The Attorney General, in coordination with the Secretary of Transportation, shall expand the process required to be established under section 339B of the FAA Reauthorization Act of 2018 (Public Law 115–254) to provide for a streamlined process for any individuals involved in alleged transportation sexual assault or harassment incidents that constitute a violation of law to report those allegations to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations and through the same primary internet websites as provided under subsection (b) of such section, as determined appropriate by the Attorney General.

SEC. 11. INSPECTOR GENERAL REPORT TO CONGRESS.

Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the inspector general of the Department of Transportation shall assess compliance with the provisions of this Act and the amendments made by this Act, including the accuracy of the reporting of transportation sexual assault or harassment incidents by covered entities.

SEC. 12. DEFINITION OF SEXUAL HARASSMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall develop, and publish in the Federal Register, a definition of sexual harassment for purposes of the implementation of this Act and the amendments made by this Act.

(b) CONSULTATION.—In developing the definition under subsection (a), the Secretary shall consult with, and consider input from—

- (1) labor unions representing transportation workers employed by covered entities; and
- (2) national organizations that specialize in providing services to sexual assault victims.

SEC. 13. DEFINITIONS.

In this Act:

(1) **COVERED ENTITY.**—The term “covered entity” means an entity that is one of the following:

(A) An air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(B) A foreign air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(C) A recipient of Federal funds under chapter 53 of title 49, United States Code.

(D) A motor carrier of passengers that—

(i) conducts regularly scheduled intercity service; and

(ii) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

(E) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of title 49, United States Code).

(F) The owner of a vessel for which section 3507 of title 46, United States Code, applies.

(G) A transportation network company.

(H) A for-hire vehicle company.

(2) **FOR-HIRE VEHICLE COMPANY.**—The term “for-hire vehicle company” means an entity that—

(A) provides passenger transportation in a motor vehicle in exchange for compensation; and

(B) is authorized by a State or local government entity as a taxicab service, limousine service, livery service, black car service, sedan service, chauffeur service, or any other similar category of for-hire transportation service.

(3) **FVC DRIVER.**—The term “FVC driver” means an individual who is employed, contracted by, or otherwise affiliated with a for-hire vehicle company to provide transportation services to the public.

(4) **FVC PERSONNEL.**—The term “FVC personnel” means an employee or contractor of a covered for-vehicle company, other than a FVC driver.

(5) **SEXUAL ASSAULT.**—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(6) **TNC DRIVER.**—The term “TNC driver” means an individual who is employed, contracted by, or otherwise affiliated with a transportation network company to provide transportation services (also known as ride-sharing) to the public.

(7) **TNC PERSONNEL.**—The term “TNC personnel” means an employee or contractor of a covered transportation network company, other than a TNC driver.

(8) **TRANSPORTATION NETWORK COMPANY.**—The term “transportation network company”—

(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

(9) **TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.**—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or a member of the personnel of a covered entity, or in the case of a TNC, a TNC driver of the covered entity, against another passenger or member of personnel or TNC driver of the covered entity, or in the case of a for-hire vehicle company, an FVC driver of the covered entity, against another passenger or member of personnel or an FVC driver of the covered entity; and

(ii) within—

- (I) a vehicle of the covered entity that is transporting passengers, including aircraft, rolling stock, motorcoaches, and ferries; or
- (II) an area in which passengers are entering or exiting such a vehicle.

PURPOSE OF LEGISLATION

The purpose of H.R. 5139, as amended, is to protect personnel and passengers during passenger transportation by air, motor carrier, commuter and intercity rail, transit, vessel, and rideshare from sexual assault and harassment and to improve the response to and facilitate the reporting of such incidents.

BACKGROUND AND NEED FOR LEGISLATION

The United States prides itself on being an innovator and leader in transportation. However, recent media reports have brought to light the often-untold stories of transportation personnel and travelers exposed to sexual assault and harassment in passenger transportation. The stories include company employees and passengers, especially women and children, being sexually harassed or assaulted on airplanes, crowded trains, and cruise ships. The reality is that passengers and personnel experiencing such situations are in confined spaces, often with limited options to respond to or escape the unwelcome behavior.

While it is estimated that 90 percent of U.S. companies currently have a sexual harassment policy in place, one in five companies does not offer training to prevent such incidents. This can leave passengers vulnerable and personnel unequipped to adequately address incidents when they occur. Furthermore, there is no Federal clearinghouse for data on transportation-related sexual assault or harassment incidents.

For these reasons, a Federal response is necessary. It is critical that the United States maintain a safe transportation system for the traveling public, and that transportation providers enact strict policies to prevent sexual assault and harassment in transportation and adopt clear procedures to respond to such incidents.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the Committee on Transportation and Infrastructure Subcommittee on Highways and Transit held the following hearing to develop or consider subjects related to matters contained in H.R. 5139:

On October 16, 2019, the Subcommittee on Highways and Transit held a hearing titled, “Examining the Future of Transportation Network Companies: Challenges and Opportunities.” The purpose of the hearing was to learn from stakeholders about transportation network companies (TNCs); the role of cities and States in regulating TNC operations; and the impacts of this transportation model on mobility, other transportation options, drivers, and passengers. Witnesses included the Honorable Karen Freeman-Wilson, Mayor, City of Gary, Indiana and President of the National League of Cities; Jon Martz, Director, Government and Public Affairs, Commute with Enterprise; Paul Miller, Legislative Counsel, The Transportation Alliance; and Larry Willis, President, Transportation Trades Department, AFL-CIO.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5139 was introduced in the House on November 18, 2019, by Mr. DeFazio and 18 original co-sponsors and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary. Within the Committee, H.R. 5139 was referred to the Subcommittee on Aviation; the Subcommittee on Highways and Transit; the Subcommittee on Coast Guard and Maritime Transportation; and the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

The Chair discharged the Subcommittee on Aviation; the Subcommittee on Highways and Transit; the Subcommittee on Coast Guard and Maritime Transportation; and the Subcommittee on Railroads, Pipelines, and Hazardous Materials from further consideration of H.R. 5139 on November 20, 2019.

The Committee met in open session to consider H.R. 5139 on November 20, 2019, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

During consideration, the following amendment was offered:

An amendment offered by Mr. Smucker (#1), was AGREED TO by voice vote.

Page 28, line 16, insert “AND FOR-HIRE VEHICLE COMPANIES” before the period.

Page 28, line 19, insert “and for-hire vehicle company” after “company”.

Page 28, line 21, insert “or FVC drivers of each for-hire vehicle company” after “network company”.

Page 29, line 8, strike “and”.

Page 29, line 10, insert “and” after “reporting;”.

Page 29, after line 10, insert the following:

(C) TNC personnel or FVC personnel trained to receive reports;

Page 29, line 11, insert “or FVC personnel” after “personnel”.

Page 29, line 20, insert “, or future use of the for-hire vehicle company service by any passenger or FVC driver,” after “driver”.

Page 30, line 7, insert “or for-hire vehicle company” after “company”.

Page 30, line 11, insert “or for-hire vehicle company” after “company”.

Page 30, line 14, strike “and”.

Page 30, line 15, insert “, FVC drivers, and FVC personnel” after “personnel”.

Page 30, line 16, insert “or the for-hire vehicle company’s formal policy” after “policy”.

Page 31, line 1, insert “or the for-hire vehicle company” after “company”.

Page 31, line 7, insert “or, as appropriate, a State or local entity that provides authorized transportation service” after “entity”.

Page 31, line 10, insert “or State or local entity that provides authorized transportation service” after “entity”.

Page 31, line 18, insert “or State or local entity that provides authorized transportation service” after “entity”.

Page 32, line 9, insert “or State or local entity that provides authorized transportation service” after “entity”.

Page 31, line 14, insert “or for-hire vehicle company” after “TNC”.

Page 31, line 15, insert “or a FVC driver” after “driver”.

Page 35, after line 1, insert the following: (H) A for-hire vehicle company.

Page 36, line 17, insert “or in the case of a for-hire vehicle company, FVC driver of the covered entity, against another passenger or member of personnel or FVC driver of the covered entity” after “entity”.

Add at the end the following: a new paragraph entitled “(7) FOR-HIRE VEHICLE COMPANY.”

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No record votes were requested during consideration of H.R. 5139.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5139, as amended.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2020.

Hon. PETER A. DEFazio,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5139, the Stop Sexual Assault and Harassment in Transportation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5139, Stop Sexual Assault and Harassment in Transportation Act			
As ordered reported by the House Committee on Transportation and Infrastructure on November 20, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	35	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000			

The bill would:

- Require transportation carriers to create policies for reporting on and combating sexual assault and sexual harassment that occurs on the vehicles they operate
- Require the Department of Transportation to collect and maintain information, and make it available to the public, on the number of sexual assaults and harassment incidents that occur on vehicles operated by transportation carriers
- Establish new and increase existing civil fines for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers

Estimated budgetary effects would primarily stem from:

- The cost to collect, analyze, and publish data on sexual assault and harassment incidents that occur on vehicles operated by transportation carriers

Bill summary: H.R. 5139 would require transportation carriers to create policies for reporting and combating sexual assault and sexual harassment that occurs on vehicles they operate, including procedures for reporting incidents, procedures for employees after such reports are filed, training for personnel who may receive such reports, and procedures for prohibiting future travel by passengers who cause such an incident. Covered carriers would include air carriers, certain motor carriers, commuter and intercity rail entities, transit entities, passenger vessels, transportation network companies, and for-hire vehicle companies.

The bill would require the Department of Transportation (DOT) to collect, maintain, and make information available to the public on the number of sexual assaults and harassment incidents that occur on vehicles operated by transportation carriers and the num-

ber of such incidents that are reported to law enforcement. The data published would exclude any personally identifiable information.

H.R. 5139 also would establish new and increase existing civil fines for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers.

Estimated Federal cost: The estimated budgetary effect of H.R. 5139 is shown in Table 1. The costs of the legislation fall within budget function 400 (transportation).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 5139

	By fiscal year, millions of dollars—						2020– 2025
	2020	2021	2022	2023	2024	2025	
Estimated Authorization	*	7	7	7	8	8	37
Estimated Outlays	*	6	7	7	7	8	35

Enacting the bill also would increase revenues by less than \$500,000 over the 2020–2030 period; * = between zero and \$500,000.

Basis of estimate: CBO assumes that the bill will be enacted near the end of fiscal year 2020.

Spending Subject to Appropriation: Under the bill, DOT would be required to collect and publish data on sexual assaults that occur on transportation carriers. Under current law the Department of Justice (DOJ) collects some information on sexual assault and harassment incidents on modes of transportation through the Bureau of Justice Statistics' National Crime Victimization Survey and through the Federal Bureau of Investigation's National Incident-Based Reporting System. CBO expects that DOT would collect relevant information from DOJ and supplement it with information collected directly from transportation carriers to collect and report on relevant crimes.

Using information from DOJ on the amount of funding provided to the Bureau of Justice Statistics to collect and publish crime data, the share of that work that is related to sexual assaults, and accounting for anticipated inflation, CBO estimates that implementing H.R. 5139 would cost \$35 million over the 2020–2025 period. Such spending would be subject to appropriation of the necessary amounts.

Revenues: H.R. 5139 also would establish new civil fines and increase existing ones for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers. Civil fines are recorded in the budget as revenues. However, CBO estimates that any additional collections would not be significant in any year and over the 2020–2030 period because of the relatively small number of cases likely to be affected.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting H.R. 5139 would increase revenues by less than \$500,000 over the 2020–2030 period.

Increase in long-term deficits: None.

Mandates: H.R. 5139 would impose intergovernmental and private-sector mandates on transportation providers operating in the United States. CBO estimates that the aggregate cost of the mandates would fall well below the annual thresholds established in

the Unfunded Mandates Reform Act (UMRA) for intergovernmental and private-sector mandates (\$84 million and \$168 million in 2020, respectively, adjusted annually for inflation).

The bill would require transportation providers, both public and private, to develop and implement a sexual assault and harassment policy that includes, among other things, procedures and systems for reporting incidents and potential cases of human trafficking, prohibiting future travel from individuals who violate the carrier's policy, and training for employees who receive incident reports. CBO estimates the requirement would affect fewer than 20,000 operators.

Many of the entities within the scope of the bill, including airlines, commuter and intercity transportation providers, public transit operators, vessel operators, and ride-share companies, have developed relevant policies and training procedures and installed reporting technology. In those cases, existing policies and practices could be modified to meet the bill's requirements; therefore, CBO estimates the incremental compliance cost for those operators would be small.

Most of the remaining operators affected by the bill are for-hire transportation firms that CBO expects would need to develop a sexual assault and harassment policy, an online platform for reporting violations, and training for employees who receive those reports. CBO assumes those operators will use the most economical means to do so, in some cases using free materials. Therefore, the amount operators would spend to develop those policies and maintain a website, CBO estimates, also would be small.

H.R. 5139 would revise current requirements that vessel operators operate video surveillance equipment in each passenger common area where privacy is not expected. Operators would be required to retain all video recordings for at least 90 days and at least five years if an assault is alleged and reported to law enforcement. Vessel operators also would be required to post signs notifying passengers of the use of that equipment.

In documentation accompanying a rule proposed in 2015, the Coast Guard noted that cruise ship operators maintain surveillance and record retention systems that are similar to the requirements in H.R. 5139. Therefore, CBO expects that the bill would codify many existing practices at little or no cost. The proposed rule did not require signs and would set a shorter retention time for video records, which would impose mandates on about 150 cruise ships. CBO estimates the incremental cost to comply with those requirements would be very small.

Estimate prepared by: Federal costs: Robert Reese; Mandates: Brandon Lever.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; Susan Willie, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide is to protect transpor-

tation personnel and passengers from sexual assault and harassment.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 5139, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 5139, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title

This section provides that this bill may be cited as the “Stop Sexual Assault and Harassment in Transportation Act”.

Sec. 2. Formal sexual assault and harassment policies on air carriers and foreign air carriers

This section requires that air carriers and foreign air carriers transporting passengers for compensation issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit or prohibit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting such incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within an aircraft or in an area in which passengers are entering or exiting an aircraft.

Sec. 3. Formal sexual assault and harassment policies for certain motor carriers

This section requires that certain motor carriers issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures that may limit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

The section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle or in an area in which passengers are entering or exiting such a vehicle.

Sec. 4. Formal sexual assault and harassment policies on passenger commuter and intercity rail

This section requires that entities providing commuter rail passenger transportation and intercity rail passenger transportation,

in consultation with labor unions representing personnel with respect to the entity, issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures facilitating the reporting of such incidents, procedures that personnel should follow upon the reporting of such incidents, procedures that may limit or prohibit future travel for passengers responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers and personnel of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle or in an area in which passengers are entering or exiting such a vehicle.

Sec. 5. Formal sexual assault and harassment policies on transit

This section requires that certain transit entities issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle or in an area in which passengers are entering or exiting such a vehicle.

Sec. 6. Formal sexual assault and harassment policies for passenger vessels

This section requires that the owners of large passenger vessels (i.e., cruise ships) issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a

statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit or prohibit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

This section also defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vessel or in an area in which passengers are entering or exiting such a vessel.

Finally, this section requires these owners to enhance video surveillance on passenger vessels in areas where a person has no reasonable expectation of privacy, with notice to the public of the presence of video surveillance equipment, and provide records of video surveillance to a requesting individual who is a subject of the video surveillance and that may provide evidence in civil litigation. This section also establishes new standards for the retention of video surveillance.

Sec. 7. Civil penalties for interference with certain transportation personnel

This section sets a maximum civil penalty of \$35,000 for any individual who physically or sexually assaults, or threatens to assault, an employee engaged in the transportation of passengers on behalf of an entity covered in the bill. The penalty also applies to any individual who poses an imminent threat to the safety of a vehicle of a covered entity. The penalty shall increase to \$40,000 after five years and \$45,000 after ten years.

Sec. 8. Formal sexual assault and harassment policies for transportation network companies and for-hire vehicle companies

This section requires that transportation network companies and for-hire vehicle companies issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are not acceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit or prohibit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to

transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Sec. 9. Data collection

This section directs the Secretary of Transportation to establish a data collection program to annually collect and maintain data from each entity covered in the bill on the number of transportation sexual assault or harassment incidents reported to the entity and reported to law enforcement by personnel of the entity. This data shall be made available through the Department of Transportation's primary internet website and presented in a manner that protects the privacy of those involved in such incidents.

Sec. 10. Criminal reporting process

This section directs the Attorney General, in coordination with the Secretary of Transportation, to expand an existing streamlined reporting process for use by individuals involved in transportation sexual assault or harassment incidents. The process will permit such individuals to report allegations to law enforcement in a confidential manner and separate from the one offered by the transportation provider. This process currently applies only with respect to individuals involved in alleged sexual misconduct onboard aircraft.

Sec. 11. Inspector General report to Congress

This section directs the Inspector General of the Department of Transportation to issue a report every two years assessing compliance with the provisions of this Act. This assessment must include the accuracy of the reporting of transportation sexual assault or harassment incidents by covered entities, among other things.

Sec. 12. Definition of sexual harassment

This section states that the Department of Transportation, in consultation with labor unions representing transportation workers employed by covered entities and national organizations that provide services to sexual assault victims, shall develop a definition for sexual harassment for purposes of this Act.

Sec. 13. Definitions

This section defines the terms used in this Act including "covered entity"; "For-Hire Vehicle Company"; "FVC Driver"; "FVC Personnel"; "Sexual Assault"; "TNC driver"; "TNC personnel"; "Transportation Network Company"; and "Transportation Sexual Assault or Harassment Incident".

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE III—GENERAL AND INTERMODAL
PROGRAMS

* * * * *

CHAPTER 53—PUBLIC TRANSPORTATION

* * * * *

5341. *Formal sexual assault and harassment policies.*

* * * * *

§5341. Formal sexual assault and harassment policies

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each recipient of Federal funds under this chapter operating vehicles shall issue, in consultation with labor unions representing personnel with respect to the recipient, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit, to the extent practicable, future travel with the recipient entity by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) *PASSENGER INFORMATION.*—A recipient entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

(1) advises passengers and personnel that the recipient entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) *informs passengers and personnel of the other major components of the recipient entity's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and*

(3) *informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.*

(d) *STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the recipient entity has acted with any requisite standard of care.*

(e) *DEFINITIONS.—In this section:*

(1) *PERSONNEL.—The term “personnel” means an employee or contractor of a recipient of Federal funds under this chapter.*

(2) *SEXUAL ASSAULT.—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.*

(3) *TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—*

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of recipient entity against another passenger or member of personnel of the recipient entity; and

(ii) within a vehicle of the recipient entity or in an area in which passengers are entering or exiting such a vehicle.

* * * * *

SUBTITLE V—RAIL PROGRAMS

* * * * *

PART C—PASSENGER TRANSPORTATION

* * * * *

CHAPTER 241—GENERAL

* * * * *

24104. Formal sexual assault and harassment policies.

* * * * *

§ 24104. Formal sexual assault and harassment policies

(a) *REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each covered rail entity shall issue, in consultation with labor unions representing personnel with respect to the covered rail entity, a formal policy with respect to transportation sexual assault or harassment incidents.*

(b) *CONTENTS.—The policy required under subsection (a) shall include—*

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future travel with the covered rail entity by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) **PASSENGER INFORMATION.**—A covered rail entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

(1) advises passengers and personnel that the covered rail entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the covered rail entity's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

(d) **STANDARD OF CARE.**—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered rail entity has acted with any requisite standard of care.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED RAIL ENTITY.**—The term “covered rail entity” means an entity providing commuter rail passenger transportation or intercity rail passenger transportation.

(2) **PERSONNEL.**—The term “personnel” means an employee or contractor of a covered rail entity.

(3) **SEXUAL ASSAULT.**—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(4) **TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.**—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and
 (B) is committed—

(i) by a passenger or member of personnel of covered rail entity against another passenger or member of personnel of the covered rail entity; and

(ii) within a vehicle of the covered rail entity or in an area in which passengers are entering or exiting such a vehicle.

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART II—ECONOMIC REGULATION

* * * * *

CHAPTER 417—OPERATIONS OF CARRIERS

SUBCHAPTER I—REQUIREMENTS

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 41727. *Formal sexual assault and harassment policies.*
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SUBCHAPTER I—REQUIREMENTS

* * * * *

§41727. Formal sexual assault and harassment policies

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

(c) **PASSENGER INFORMATION.**—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that—

(1) advises passengers and personnel that the carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the carrier's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

(d) **STANDARD OF CARE.**—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

(e) **DEFINITIONS.**—In this section:

(1) **PERSONNEL.**—The term “personnel” means an employee or contractor of an air carrier or foreign air carrier.

(2) **SEXUAL ASSAULT.**—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(3) **TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.**—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.

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SUBPART IV—ENFORCEMENT AND PENALTIES

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CHAPTER 463—PENALTIES

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§ 46318. Interference with cabin or flight crew

(a) **GENERAL RULE.**—An individual who physically or sexually assaults or threatens to physically or sexually assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil [penalty of not more than \$35,000.] *penalty of—*

(1) *for calendar years 2019 through 2024, not more than \$35,000;*

(2) *for calendar years 2025 through 2029, not more than \$40,000; and*

(3) *for calendar year 2030 and thereafter, not more than \$45,000.*

(b) **COMPROMISE AND SETOFF.**—

(1) **COMPROMISE.**—The Secretary may compromise the amount of a civil penalty imposed under this section.

(2) **SETOFF.**—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

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SUBTITLE X—MISCELLANEOUS

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CHAPTER 805—MISCELLANEOUS

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80505. *Interference with certain transportation personnel.*

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§ 80505. Interference with certain transportation personnel

(a) **GENERAL RULE.**—An individual who physically or sexually assaults or threatens to physically or sexually assault an employee engaged in the transportation of passengers on behalf of a covered entity, or takes any action that poses an imminent threat to the safety of a vehicle of a covered entity that is transporting passengers, including rolling stock, motorcoaches, and ferries, is liable to the United States Government for a civil penalty of—

(1) *for calendar years 2019 through 2024, not more than \$35,000;*

(2) *for calendar years 2025 through 2029, not more than \$40,000; and*

(3) *for calendar year 2030 and thereafter, not more than \$45,000.*

(b) **COMPROMISE AND SETOFF.**—

(1) **COMPROMISE.**—The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) *SETOFF.*—*The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.*

(c) *COVERED ENTITY DEFINED.*—*In this section, the term “covered entity” means an entity that is 1 of the following:*

(1) *A recipient of Federal funds under chapter 53 of this title.*

(2) *A motor carrier of passengers that—*

(A) *conducts regularly scheduled intercity service; and*

(B) *is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).*

(3) *An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of this title).*

(4) *The owner of a vessel for which section 3507 of title 46 applies.*

(5) *A transportation network company.*

TITLE 46, UNITED STATES CODE

* * * * *

SUBTITLE II—VESSELS AND SEAMEN

* * * * *

PART B—INSPECTION AND REGULATION OF VESSELS

* * * * *

CHAPTER 35—CARRIAGE OF PASSENGERS

* * * * *

§ 3507. Passenger vessel security and safety requirements

(a) **VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Each vessel to which this subsection applies shall comply with the following design and construction standards:

(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

(i) security latches; and

(ii) time-sensitive key technology.

(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting pas-

sengers who have fallen overboard, to the extent that such technology is available.

(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

(b) VIDEO RECORDING.—

(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—**[The owner]**

(A) *IN GENERAL.*—*The owner* of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes~~], as determined by the Secretary~~.

(B) *PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.*—*With regard to the placement of video surveillance equipment on a vessel under subparagraph (A), the owner shall—*

(i) *place video surveillance equipment in each passenger common area where a person has no reasonable expectation of privacy;*

(ii) *place video surveillance equipment in other areas where a person has no reasonable expectation of privacy; and*

(iii) *place video surveillance equipment in each area identified under clause (i) or (ii) in a manner that provides optimum surveillance of that area.*

(2) *NOTICE OF VIDEO SURVEILLANCE.*—*The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.*

[(2)] (3) ACCESS TO VIDEO RECORDS.—[The owner]

(A) *LAW ENFORCEMENT.*—*The owner* of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

(B) *CIVIL ACTIONS.*—*The owner of a vessel to which this section applies shall provide to any individual or the individual's legal representative, upon written request, a copy of all records of video surveillance—*

(i) *in which the individual is a subject of the video surveillance; and*

(ii) *that may provide evidence in a civil action.*

(C) *LIMITED ACCESS.*—*The owner of a vessel to which this section applies shall ensure that access to records of video surveillance is limited to the purposes described in this paragraph.*

(4) *RETENTION REQUIREMENTS.*—

(A) *IN GENERAL.*—The owner of a vessel to which this section applies shall retain all records of video surveillance for a voyage for not less than 90 days after the completion of the voyage. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all records of video surveillance from the voyage that the Federal Bureau of Investigation determines are relevant shall—

(i) be provided to the Federal Bureau of Investigation; and

(ii) be preserved by the vessel owner for not less than 5 years from the date of the alleged incident.

(B) *INTERIM STANDARDS.*—Not later than 180 days after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

(C) *FINAL STANDARDS.*—Not later than 1 year after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.

(D) *CONSIDERATIONS.*—In promulgating standards under subparagraphs (B) and (C), the Commandant shall—

(i) consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage;

(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

(iii) consider privacy, including standards for permissible access to and monitoring and use of the records of video surveillance; and

(iv) consider technological advancements, including requirements to update technology.

(c) **SAFETY INFORMATION.**—

(1) **CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.**—The owner of a vessel to which this section applies (or the owner's designee) shall—

(A) have available for each passenger a guide (referred to in this subsection as the “security guide”), written in commonly understood English, which—

(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies,

firing or tampering with the vessel, or theft of money or property in excess of \$10,000, together with contact information for the appropriate law enforcement authorities for missing persons or reportable crimes which arise—

- (I) in the territorial waters of the United States;
- (II) on the high seas; or
- (III) in any country to be visited on the voyage;

(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

(C) publicize the security guide on the website of the vessel owner.

(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

(A) possesses a current physician's or registered nurse's license and—

(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; [and]

(5) provide the patient free and immediate access to—

(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service[.];

(6)(A) *issue a formal policy with respect to sexual assault or harassment incidents that includes—*

(i) a statement indicating that no sexual assault or harassment incident is acceptable under any circumstance;

(ii) procedures that facilitate the reporting of a sexual assault or harassment incident, including—

(I) appropriate public outreach activities; and

(II) confidential phone and internet-based opportunities for reporting;

(iii) procedures that personnel should follow upon the reporting of a sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and how to provide the information and access required under paragraph (5);

(iv) procedures that may limit or prohibit, to the extent practicable, future travel on the vessel by any passenger who causes a transportation sexual assault or harassment incident; and

(v) training that is required for all appropriate personnel with respect to the policy required under this paragraph, including—

(I) specific training for personnel who may receive reports of sexual assault or harassment incidents; and

(II) recognizing and responding to potential human trafficking victims; and

(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—

(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

(ii) informs passengers and personnel of the other major components of the vessel owner's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(iii) informs passengers and crew members of the procedure for reporting a sexual assault or harassment incident; and

(7) have a formal policy in effect with respect to sexual assault or harassment incidents.

(e) **CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.**—The master or other individual in charge of a vessel to which this section applies shall—

(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

(B) information to secure the safety of passengers or crew on board the vessel; or

(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services as confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

(1) establish and implement procedures and restrictions concerning—

(A) which crewmembers have access to passenger staterooms; and

(B) the periods during which they have that access; and

(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

(g) LOG BOOK AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

(i) all complaints of crimes described in paragraph

(3)(A)(i),

(ii) all complaints of theft of property valued in excess of \$1,000, and

(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

(A) the vessel operator;

(B) the name of the cruise line;

(C) the flag under which the vessel was operating at the time the reported incident occurred;

(D) the age and gender of the victim and the accused assailant;

(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

(H) the time and date the incident occurred, if known;

(I) the total number of passengers and the total number of crew members on the voyage; and

(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, *any sexual assault or harassment incident (as that term is defined in subsection (l) of this section) that constitutes a violation of law*, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

(ii) shall furnish a written report of each incident specified in clause (i) to the Internet website maintained by the Secretary of Transportation under paragraph (4)(A);

(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet website maintained by the Secretary of Transportation under paragraph (4)(A); and

(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admi-

rality and maritime jurisdiction of the United States and outside the jurisdiction of any State;

(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(A) WEBSITE.—

(i) IN GENERAL.—The Secretary of Transportation shall maintain a statistical compilation of all incidents on board a cruise vessel specified in paragraph (3)(A)(i) on an Internet website that provides a numerical accounting of the missing persons and alleged crimes reported under that paragraph without regard to the investigative status of the incident.

(ii) UPDATES AND OTHER REQUIREMENTS.—The compilation under clause (i) shall—

(I) be updated not less frequently than quarterly;

(II) be able to be sorted by cruise line;

(III) identify each cruise line by name;

(IV) identify each crime or alleged crime committed or allegedly committed by a passenger or crewmember;

(V) identify the number of individuals alleged overboard; and

(VI) include the approximate number of passengers and crew carried by each cruise line during each quarterly reporting period.

(iii) USER-FRIENDLY FORMAT.—The Secretary of Transportation shall ensure that the compilation, data, and any other information provided on the Internet website maintained under this subparagraph are in a user-friendly format. The Secretary shall, to the greatest extent practicable, use existing commercial off the shelf technology to transfer and establish the website, and shall not independently develop software, or acquire new hardware in operating the site.

(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation under subparagraph (A).

(h) ENFORCEMENT.—

(1) PENALTIES.—

(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

(A) commits an act or omission for which a penalty may be imposed under this subsection; or

(B) fails to pay a penalty imposed on the owner under this subsection.

(i) PROCEDURES.—The Secretary shall maintain guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

(j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.

(k) APPLICATION.—

(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(31)) that—

(A) is authorized to carry at least 250 passengers;

(B) has onboard sleeping facilities for each passenger;

(C) is on a voyage that embarks or disembarks passengers in the United States; and

(D) is not engaged on a coastwise voyage.

(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

[(1) DEFINITION.—In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.]

(l) DEFINITIONS.—

(1) OWNER.—*In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.*

(2) SEXUAL ASSAULT.—*The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.*

(3) SEXUAL ASSAULT OR HARASSMENT INCIDENT.—*The term “sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—*

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger of a vessel to which this section applies or a member of the crew of such a vessel against another passenger of such vessel or a member of the crew of such a vessel; and

(ii) within—

(I) such a vessel; or

(II) an area in which passengers are entering or exiting such a vessel.

* * * * *

JERROLD NADLER, New York
CHAIRMAN

COMMITTEE CORRESPONDENCE

DOUG COLLINS, Georgia
RANKING MINORITY MEMBER

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
~~One Hundred Sixteenth Congress~~

February 7, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

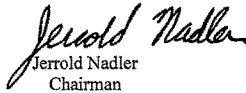
Dear Chairman DeFazio,

This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 5139, the "Stop Sexual Assault and Harassment in Transportation Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 5139, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,


Jerrold Nadler
Chairman

c: The Honorable Douglas Collins, Ranking Member, Committee on the Judiciary
The Honorable Thomas J. Wickham, Jr., Parliamentarian
The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, MD
Ranking Member

February 7, 2020

Katherine W. Dordick, Staff Director

Paul J. Soss, Republican Staff Director

The Honorable Jerrold Nadler
Chairman, Committee on Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler:

Thank you for your letter regarding H.R. 5139, the *Stop Sexual Assault and Harassment in Transportation Act*, which was ordered to be reported out of the Committee on Transportation and Infrastructure on November 20, 2019. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that by foregoing formal consideration on H.R. 5139, the Committee on Judiciary does not waive any future jurisdictional claims to provisions in this or similar legislation, and that your Committee will be consulted and involved on any matters in your Committee's jurisdiction should this legislation move forward. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on Judiciary has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation, and I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of H.R. 5139.

Sincerely,

Peter A. DeFazio
Chair

cc: The Honorable Nancy Pelosi
The Honorable Sam Graves
The Honorable Doug Collins
Mr. Thomas J. Wickham Jr., Parliamentarian